

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/13963

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/40 A61K31/216 A61K31/195 A61K31/192

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, EMBASE, BIOSIS, CHEM ABS Data, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02 083128 A (SQUIBB BRISTOL MYERS CO ;ROBL JEFFREY A (US); SULSKY RICHARD B (US) 24 October 2002 (2002-10-24) claims 1,14,19,20 ---	1-7, 10-16, 18-22
X	WO 01 52825 A (NOVARTIS ERFIND VERWALT GMBH ;NOVARTIS AG (CH); HOLMES DAVID GRENV) 26 July 2001 (2001-07-26) cited in the application abstract page 12, paragraph 1 ---	1,2,4-8, 10, 12-16, 18-22
X	WO 02 064094 A (DROPINSKI JAMES F ;BERGER JOEL P (US); JONES A BRIAN (US); LIU KUN) 22 August 2002 (2002-08-22) abstract claims 34,43 --- -/-	1,2,4-6, 10-16, 18-22

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \* & \* document member of the same patent family

Date of the actual completion of the international search

26 March 2004

Date of mailing of the international search report

14/04/2004

Name and mailing address of the ISA

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01 60807 A (JONES A BRIAN ;LIU KUN (US); XU LIBO (US); MERCK & CO INC (US)) 23 August 2001 (2001-08-23) abstract claims 25,35 -----	1,2,4-6, 10-16, 18-22
X,P	WO 03 043985 A (NOVARTIS PHARMA GMBH ;NOVARTIS AG (CH); KAPA PRASAD KOTESWARA (US)) 30 May 2003 (2003-05-30) page 39, paragraph 4 -page 40, paragraph 1 page 40, paragraph 3 page 41, paragraph 2 -----	1,2,4-8, 10-16, 18-22
X,P	WO 03 004498 A (EDMONDSON SCOTT D ;KIM DOOSEOP (US); PARMEE EMMA R (US); WEBER ANN) 16 January 2003 (2003-01-16) page 13, line 34 -page 14, line 10 page 17, line 30 -page 18, line 20 -----	1-6, 10-16, 18-22
X,P	WO 03 000181 A (PARMEE EMMA ;WEBER ANN E (US); MERCK & CO INC (US); BROCKUNIER LIN) 3 January 2003 (2003-01-03) page 15, line 23 - line 29 page 20, line 10 -page 21, line 1 -----	1,2,4-6, 10-16, 18-22

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## Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 10-14 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 1-8, 10-16, 18-22 all partially  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1-8, 10-16, 18-22 all partially

Present claims 1-8, 10-16 and 18-22 relate to compounds defined by reference to desirable characteristics or properties, namely "dipeptidylpeptidase IV inhibitor" and "peroxisome proliferator-activated receptor compound".

The claims cover all compounds having these characteristics or properties, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compounds by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible.

Present claims 6, 7, 10, 16-19 and 21 relate to an extremely large number of disease states. In fact, the expressions "conditions mediated by DPP-IV or PPAR alpha", "conditions of IGT" and "conditions of impaired fasting plasma glucose" encompass a great number of diseases. A lack of clarity (and/or conciseness) within the meaning of Art. 6 PCT therefore arises.

Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the combinations mentioned in claims 9, 17 or 23 for the treatment of diseases explicitly mentioned in claims 11-14, and 20.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

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Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 02083128	A	24-10-2002	CA 2444465 A1 EP 1377288 A1 WO 02083128 A1 US 2002183367 A1	24-10-2002 07-01-2004 24-10-2002 05-12-2002
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WO 03000181	A	03-01-2003	CA 2450475 A1 WO 03000181 A2	03-01-2003 03-01-2003